



LOUISIANA DEPARTMENT OF EDUCATION

July 16, 2019

Patricia Ventura
Director of Student Support Services
Morris Jeff Community School
211 S. Lopez
New Orleans, LA 70119

Allison and Brian Cruz
[REDACTED]
New Orleans, LA 70125

RE: Special Education Formal Complaint No. 90-C-02 on behalf of [REDACTED]

Dear Ms. Ventura, Mr. Cruz, and Mrs. Cruz:

On July 15, 2019, the Louisiana Department of Education ("Department") received a *Request for Special Education Formal Complaint Investigation* from Allison and Brian Cruz ("Parents"), the parents of a student who attends Morris Jeff Community School ("the District"). Parents requested that the Department conduct a special education investigation consistent with Louisiana Bulletin 1706 §§ 151-153.

Under federal and state law, the Department **must and is only authorized to** investigate written complaints that allege violations of the Individuals with Disabilities Education Act ("IDEA") and/or the Louisiana Education of Children with Exceptionalities Act. In this case, the Department has determined that even if accepted as true, the complaint allegations do not imply any violation of those laws or regulations that would authorize the Department to investigate.

In their complaint, Parents alleged that Morris Jeff Community School, a public charter school in Orleans Parish, failed to timely evaluate the student for gifted eligibility or provide the student the gifted special education and related services outlined in the student's Individualized Education Program (IEP). Unlike the IDEA, which is a federal law governing students with disabilities, any rights of gifted and talented students are created by state law, specifically La. R.S. 17:1941 (2019). One of our state laws governing public charter schools is La. R.S. 17:3996(B) (2019) and it reads:

"B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades;" (emphasis added)

State law exempts approved public charter schools from mandatory compliance with the gifted and talented statutes and the Department regulations that are applicable to public schools with

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students who are eligible for gifted and talented individualized education programs and related services. Public charter schools are encouraged to work with parents to modify their education programs to meet the needs of gifted students; however, you may contact your local school district to determine whether it offers a more suitable gifted program alternative.

In conclusion, Parents' complaint and investigation request does not allege a violation of the Individuals with Disabilities Education Act or an actionable violation of the Louisiana Education of Children with Exceptionalities Act. As a result, the Department dismisses this complaint investigation request is because is not authorized to investigate this complaint or require the District to take any action based on these complaint allegations.

Sincerely,



Parris A. Taylor, Attorney
Office of General Counsel
Louisiana Department of Education-5th Floor
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Patricia Perkins, Head of School, Morris Jeff Community School (email only)
Krebs, Laura, Elementary School Co-Director, Morris Jeff Community School (email only)